

AMENDED IN SENATE MAY 12, 2005

AMENDED IN SENATE APRIL 11, 2005

SENATE BILL

No. 517

Introduced by Senator Romero

February 18, 2005

An act to add Section 60851.1 to the Education Code, relating to pupil assessment.

LEGISLATIVE COUNSEL'S DIGEST

SB 517, as amended, Romero. High school graduation.

Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in accordance with state academic content standards. Existing law requires, commencing with the 2003–04 school year and each school year thereafter, each pupil completing grade 12 to successfully pass the *high school* exit examination as a condition of graduation from high school. Existing law grants authority to the state board to delay, on or before August 1, 2003, the date upon which each pupil completing grade 12 is required to pass the *high school* exit examination as a condition of graduation from high school to a date other than the 2003–04 school year.

This bill would delay the effective date of the high school exit examination requirement on a pupil in a high school ranked in deciles 1 to 3, inclusive, of the Academic Performance Index and identified for review by a county superintendent of schools until the Superintendent of Public Instruction certifies that the high school offers full and equal access for all pupils to specified minimum conditions necessary for successfully passing the examination. This bill would require the Superintendent, by September 1 of each year, to prepare and submit a report to the Legislature that compares

specified conditions in high schools with regard to the high school exit examination. This bill would impose a state-mandated local program by requiring any school district, charter school, or other local educational agency with a high school not certified by the Superintendent to prepare and submit, by July 1 of each year, a report to the State Board of Education and the Superintendent that identifies the barriers to providing the minimum conditions necessary for success on the high school exit exam and specifies the actions to be taken by the school district to ensure that pupils will receive those minimum conditions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~This bill would declare that it is the intent of the Legislature to delay the effective date of the exit examination requirement until specified conditions have been satisfied, including the consideration and adoption by the Legislature and implementation by the state of a plan to provide adequate resources for its public schools and a determination that the examination meets specified ethical standards.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) The Harvard University Civil Rights Project's report titled
- 4 "Confronting the Graduation Rate Crisis in California" found
- 5 that California's overall high school graduation rate was 71
- 6 percent for 2002.
- 7 (2) This Harvard report found that only 64 percent of all pupils
- 8 in central city school districts graduate with regular diplomas. In
- 9 racially segregated school districts, only 65 percent of all pupils
- 10 graduate, and only 58 percent graduate in socioeconomically
- 11 segregated school districts.

1 (3) When high numbers of youth leave school ill prepared to
2 contribute to our labor force and to civic life, our economy and
3 our democracy suffer. The Harvard report found that the 66,657
4 pupils who were reported as dropouts from the California public
5 schools in 2002–03 will cost the state \$14 billion in lost wages.

6 (4) A report by the University of California All Campus
7 Consortium on Research for Diversity (UC/ACCORD) found
8 that in the state’s largest school district, Los Angeles Unified
9 School District, fewer than half of the ~~Black~~ *African American*
10 and Latino pupils who start 9th grade complete grade 12 four
11 years later.

12 (5) The number of pupils who are at risk of failing the state’s
13 high school exit examination is likely more than 100,000
14 statewide.

15 (6) A 2004 survey of over 1,000 California teachers by
16 pollster Lou Harris found that 10 percent of teachers reported
17 pupils did not have access to their own standards-aligned
18 instructional materials to use in class, and 32 percent of teachers
19 reported that pupils did not have access to their own
20 standards-aligned instructional materials to take home for
21 homework. Thus, it is estimated that, at a minimum, 10 percent
22 of pupils statewide do not have standards-aligned instructional
23 materials to use in class, and 32 percent of pupils statewide do
24 not have standards-aligned instructional materials to take home
25 to use for homework. Schools with the highest concentration of
26 pupils of color were 40 percent more likely than other schools to
27 lack instructional materials.

28 (7) The 2004 Harris survey found that teachers in the schools
29 with the highest percentages of African-American, Latino, and
30 Native American pupils report that they are 11 times more likely
31 to be in schools in which more than 20 percent of the teachers are
32 undercredentialed and lack the training to teach the state’s
33 content standards.

34 (8) The most critical factor in pupil achievement is a qualified
35 teacher. A recent report by Education Trust-West, titled
36 “California’s Hidden Teacher Spending Gap,” reported dramatic
37 spending gaps in teacher salaries within districts, with more
38 highly paid teachers and, therefore, more experienced and highly
39 credentialed teachers, concentrated in more affluent and white
40 schools. Pupils of color and pupils from low-income families

1 receive, at a disproportionately higher rate, instruction from
2 underqualified teachers who have not been trained to teach the
3 state's content standards.

4 (9) A 2004 report by the Center for the Future of Teaching and
5 Learning, titled "California's Teaching Force 2004: Key Issues
6 and Trends," reported that in 2003–04, slightly more than 28,000
7 teachers — or about one in every 11 California teachers — were
8 underprepared and teaching without benefit of having met the
9 state's minimum qualifications, and without training to teach to
10 the state's content standards. There are far more of these
11 underprepared teachers in schools that have high failure rates on
12 the high school exit examination. In schools where over 30
13 percent of pupils failed the mathematics portion of the exit
14 examination the average percentage of underprepared teachers is
15 22 percent. By comparison, in schools where only 9 percent of
16 pupils failed the mathematics portion, the average percentage of
17 underprepared teachers is only 7 percent.

18 (10) California has recently acknowledged in the settlement of
19 Williams v. State of California, that the established minimum
20 thresholds for teacher quality, instructional materials, and school
21 facilities are intended by the Legislature and the Governor to be
22 a floor, rather than a ceiling, and a beginning, not an end, to the
23 state's commitment and effort to ensure that all California pupils
24 have access to the basic elements of a quality public education.

25 (11) A 2004 survey of 34 high school principals from 19
26 school districts reveals that 59 percent of those principals do not
27 have plans to ensure *that all pre-high prehigh* school pupils are
28 prepared to receive instruction in each of the content standards.

29 (12) A 2004 survey of 135 teachers and 23 high school
30 principals from 53 schools in 19 school districts reveals that 49
31 percent of teachers and 48 percent of principals identified
32 academic issues of entering high school below grade level
33 proficiency and lacking adequate preparation as specific
34 challenges their pupils face in passing the exit examination.

35 (13) California ranks last in the nation in the ratio of pupils to
36 counselors at 954:1. School counselors serve a vital role in
37 promoting pupil achievement and serving as pupil advocates who
38 focus on the relationships and interactions between pupils and
39 their school environment, with the expressed purpose of reducing

the effect of environmental and institutional barriers that impede academic success.

(14) It is essential that California provide the minimum opportunities for all pupils to learn the skills and material that they need to learn in order to pass the high school exit examination.

SEC. 2. Section 60851.1 is added to the Education Code, to read:

60851.1. (a) The high school exit examination requirement, pursuant to subdivision (a) of Section 60851, shall not take effect in a school district until the county office of education in whose jurisdiction the school district is located certifies to the superintendent that the high schools within the school district offer apply to a pupil in a high school ranked in deciles 1 to 3, inclusive, of the Academic Performance Index pursuant to Sections 52052 and 52056, and identified for reviews by a county superintendent of schools pursuant to subparagraph (A) of paragraph (2) of subdivision (c) of Section 1240, until the superintendent certifies that the high school offers full and equal access for all pupils to all of the following minimum conditions necessary for successfully passing the exit examination:

(a)

(1) Fully certified teachers, including teachers for English learners, in core subject areas, to be determined based on the most current department data from the California Basic Educational Data System and, as necessary, on the annual Language Census conducted by the department.

(b)

(2) Instructional materials, as defined in subdivision (h) of Section 60010, aligned with the content standards being tested on the exit examination. For purposes of this paragraph, the Superintendent shall utilize information from the annual instructional material review performed by the county superintendent of schools pursuant to subparagraph (E) of paragraph (2) of subdivision (c) of Section 1240.

(c)

(3) Rigorous—supplementary supplemental instruction programs for pupils who have not passed either part of the exit examination, which are in addition to the regular instruction of pupils, pursuant to subdivision (f) of Section 60851.

1 ~~(d)~~

2 (4) Counselor-to-pupil ratios of at least 1:476, so as to support
3 the guidance of pupils in their successful passage of the exit
4 examination, *to be determined based on the most current*
5 *department data from the California Basic Educational Data*
6 *System.*

7 ~~(e) If the overall rate of failure on the high school exit~~
8 ~~examination in a school district is greater than 10 percent, a~~
9 ~~pupil-to-teacher ratio of 25:1 in each core subject area class.~~

10 (b) By September 1 of each year, the Superintendent shall
11 prepare and submit a report to the Legislature comparing the
12 high schools identified in subdivision (a) that have not been
13 certified by the Superintendent to high schools where failure
14 rates on the high school exit examination for the most recent
15 graduating class are ten percent or less. The report shall
16 compare the following conditions to the extent that data is
17 available:

18 (1) Failure rates on the high school exit examination.

19 (2) Pupil access to fully certified teachers, standards-aligned
20 instructional materials, and rigorous supplemental instruction
21 programs.

22 (3) Counselor-to-pupil ratios.

23 (c) (1) A school district, charter school, or other local
24 educational agency with a high school not certified by the
25 Superintendent pursuant to subdivision (a) shall prepare and
26 submit, by July 1 of each year, a report to the State Board of
27 Education and the Superintendent that identifies the barriers to
28 providing the minimum conditions necessary for success on the
29 high school exit exam and specifies the actions to be taken by the
30 school district to ensure that pupils will receive the minimum
31 conditions specified in subdivision (a).

32 (2) The governing board shall present the report required by
33 paragraph (1) for public comment at a regularly scheduled
34 meeting, before it is provided to the State Board of Education
35 and the Superintendent.

36 (3) For any high school that participates and receives funding
37 through the Immediate Intervention/Underperforming Schools
38 Program established pursuant to Article 3 (commencing with
39 Section 52053) of Chapter 6.1 of Part 28, the High Priority
40 Schools Grant Program established pursuant to Article 3.5

1 *(commencing with Section 52055.600) of Chapter 6.1 of Part 28,*
2 *or the federal Comprehensive School Reform Demonstration*
3 *Program (20 U.S.C. Sec. 6511 et seq.), or is considered a*
4 *program improvement school under the federal No Child Left*
5 *Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), the governing*
6 *board of the school district or other local educational agency*
7 *shall ensure that the action plan prepared for the school is used*
8 *to fulfill the requirements of paragraph (1).*

9 *SEC. 3. If the Commission on State Mandates determines that*
10 *this act contains costs mandated by the state, reimbursement to*
11 *local agencies and school districts for those costs shall be made*
12 *pursuant to Part 7 (commencing with Section 17500) of Division*
13 *4 of Title 2 of the Government Code.*